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Express Mail No. EL 501 759 547 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mueller et al.

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Serial No.: 09/816,832

Group Art Unit: 3739

**MAR 25 2003**

Filed: March 22, 2001

Examiner: David M. Shay

TECHNOLOGY CENTER R3700

For: PHOTOATHEROLYTIC  
CATHETER APPARATUS AND  
METHOD

Attorney Docket No.: 10177-141-999

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to References AA to DB listed on the attached revised form PTO 1449. Copies of the references are included herewith.


Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." as an alternative, Applicants submit herewith several pages of a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c)(2) and § 1.17(p), a fee of \$180.00 is believed due for the filing of this information disclosure statement, since it is being filed before the mailing date of a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution of this application. Please charge this fee and any other fees required to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date March 20, 2003

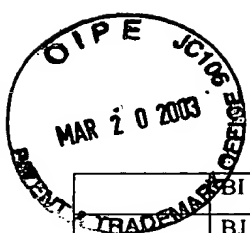
  
Gidon/D. Stern 27,469  
042,412 (Reg. No.)

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Enclosures





EXPRESS MAIL NO.: EL 501 759 547 US

|    |              |          |                                |  |  |  |
|----|--------------|----------|--------------------------------|--|--|--|
| BI | 5,833,658    | 11/10/98 | Levy <i>et al.</i>             |  |  |  |
| BJ | 5,840,031    | 11/24/98 | Crowley                        |  |  |  |
| BK | 5,840,059    | 11/24/98 | March <i>et al.</i>            |  |  |  |
| BL | 5,840,062    | 11/24/98 | Gumaste <i>et al.</i>          |  |  |  |
| BM | 5,843,050    | 12/01/98 | Jones <i>et al.</i>            |  |  |  |
| BN | 5,846,221    | 12/08/98 | Snoke <i>et al.</i>            |  |  |  |
| BO | 5,857,464    | 01/12/99 | Desai                          |  |  |  |
| BP | 5,860,953    | 01/19/99 | Snoke <i>et al.</i>            |  |  |  |
| BQ | 5,871,495    | 02/16/99 | Mueller                        |  |  |  |
| BR | 5,876,373    | 03/02/99 | Giba <i>et al.</i>             |  |  |  |
| BS | 5,882,332    | 03/16/99 | Wijay                          |  |  |  |
| BT | 5,885,272    | 03/23/99 | Aita <i>et al.</i>             |  |  |  |
| BU | 5,891,133    | 04/06/99 | Murphy-Chutorian               |  |  |  |
| BV | 5,931,831    | 08/03/99 | Linder                         |  |  |  |
| BW | 5,935,063    | 08/10/99 | Nguyen                         |  |  |  |
| BX | 5,941,845    | 08/24/99 | Tu <i>et al.</i>               |  |  |  |
| BY | 5,941,868    | 08/24/99 | Kaplan <i>et al.</i>           |  |  |  |
| BZ | 5,964,754    | 10/12/99 | Osyka                          |  |  |  |
| CA | 5,971,983    | 10/26/99 | Lesh                           |  |  |  |
| CB | 5,993,443    | 11/30/99 | Murphy-Chutorian <i>et al.</i> |  |  |  |
| CC | 5,997,525    | 12/07/99 | March <i>et al.</i>            |  |  |  |
| CD | 6,004,269    | 12/21/99 | Crowley <i>et al.</i>          |  |  |  |
| CE | 6,012,457    | 01/11/00 | Lesh                           |  |  |  |
| CF | 6,024,703    | 02/15/00 | Zanelli <i>et al.</i>          |  |  |  |
| CG | 6,063,022    | 05/16/00 | Ben-Haim                       |  |  |  |
| CH | 6,133,233    | 10/17/00 | Ross <i>et al.</i>             |  |  |  |
| CI | 6,183,444    | 02/06/01 | Glines <i>et al.</i>           |  |  |  |
| CJ | 6,161,543    | 12/19/00 | Cox <i>et al.</i>              |  |  |  |
| CK | 6,171,303    | 01/09/01 | Ben-Haim <i>et al.</i>         |  |  |  |
| CL | 6,179,809    | 01/30/01 | Khairkhahan <i>et al.</i>      |  |  |  |
| CM | 6,224,584 B1 | 05/01/01 | March <i>et al.</i>            |  |  |  |
| CN | 6,237,605 B1 | 05/29/01 | Vaska <i>et al.</i>            |  |  |  |
| CO | 6,309,375    | 10/30/01 | Glines <i>et al.</i>           |  |  |  |
| CP | 6,314,962 B1 | 11/13/01 | Vaska <i>et al.</i>            |  |  |  |
| CQ | 6,314,963 B1 | 11/13/01 | Vaska <i>et al.</i>            |  |  |  |

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# FOREIGN PATENT DOCUMENTS

|  |    | DOCUMENT NUMBER | DATE     | COUNTRY | CLASS | SUBCLASS | TRANSLATION              |                          |
|--|----|-----------------|----------|---------|-------|----------|--------------------------|--------------------------|
|  |    |                 |          |         |       |          | YES                      | NO                       |
|  | CR | WO 96/32129     | 10/17/96 | PCT     |       |          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | CS | WO 97/25101     | 07/17/97 | PCT     |       |          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | CT | WO 97/47253     | 12/18/97 | PCT     |       |          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | CU | WO 99/39624     | 08/12/99 | PCT     |       |          | <input type="checkbox"/> | <input type="checkbox"/> |
|  | CV | WO 00/57895     | 10/05/00 | PCT     |       |          | <input type="checkbox"/> | <input type="checkbox"/> |

EXPRESS MAIL NO.: EL 501 759 547 US**OTHER REFERENCES** (Including Author, Title, Date, Pertinent Pages, Etc.)

|    |                                                                                                                                                                                                                                         |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CW | Padua <i>et al.</i> , "Basic fibroblast growth factor is cardioprotective in ischemia-reperfusion injury" <i>Molecular and Cellular Biochemistry</i> <b>143: 129-135</b> (1995)                                                         |
| CX | Shi <i>et al.</i> , "PR-39, a proline-rich antibacterial peptide that inhibits phagocyte NADPH oxidase activity by binding to Src homology 3 domains of p47phox" <i>Proc. Natl. Acad. Sci.</i> <b>93:6014-6018</b> (1996)               |
| CY | Uchida <i>et al.</i> , "Angiogenic therapy of acute myocardial infarction by intrapericardial injection of basic fibroblast growth factor and heparin sulfate: An experimental study" <i>Am. Heart J.</i> , <b>130:1182-1188</b> (1995) |
| CZ | Unger <i>et al.</i> , "Basic fibroblast growth factor enhances myocardial collateral flow in a canine model" <i>Am J. Physiol.</i> , <b>266:H1577-H1595</b> (1994)                                                                      |
| DA | Walterberger <i>et al.</i> , "Ischemia-Induced Transplant Arteriosclerosis in the Rat" <i>Arteriosclerosis, Thrombosis and Vascular Biology</i> <b>16(12):1516-1523</b> (1996)                                                          |
| DB | Xiaobing, <i>et al.</i> , "Ischemia and Reperfusion reduce the Endogenous Basic Fibroblast Growth Factor (bf GF) in Rat Skeletal Muscles" <i>Chinese Medical Journal</i> <b>108(9): 699-703</b> , (1995)                                |

**EXAMINER****DATE CONSIDERED**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.